



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

**Subject of possible rule making:**

WAC 388-515-1550 Medically Needy In-Home Waiver (MNIW)

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 74.04.050, 74.04.057, 74.08.090, 74.09.520, 74.09.500, 74.09.530, 2004 c 276 (6)(b) and *Townsend vs. Quazim (DSHS)*, U.S. District Court, Western District of Washington, No. CV-00-00944 TSZ.

**Reasons why rules on this subject may be needed and what they might accomplish:**

The department is:

- Increasing the personal needs allowance (PNA) for the Medically Needy in home waiver program to match the PNA allowed for the categorically needy waiver described in WAC 388-515-1505, per order of the U.S. Ninth Circuit Court of Appeals (No-01-35689). This will make services more available to the public.
- Amending the rule to note the deduction for medical and remedial care expenses that were incurred as a result of imposition of assets penalty period is limited to zero.
- Making changes to the language in order to make rules clearer.

This notice replaces the Preproposal Statement of Inquiry filed as WSR 06-12-092 on June 6, 2006.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

None

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Lori Rolley  
P.O. Box 45600  
Olympia, WA 98504-5600  
Phone (360) 725-2271  
e-mail: [rollelj@dshs.wa.gov](mailto:rollelj@dshs.wa.gov)

**DATE**

**October 16, 2006**

**NAME (TYPE OR PRINT)**

Andy Fernando

**SIGNATURE**

**TITLE**

Manager, Rules and Policies Assistance Unit

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: October 16, 2006**

**TIME: 2:50 PM**

**WSR 06-21-069**